



## Commonwealth of Pennsylvania

COUNTY OF

ERIE

SS: SEARCH WARRANT  
AND AFFIDAVIT

Det. James D. Washburn 626 State St. Erie, PA

814 870-1150

(Name of Affiant)

(Police Department or address of private Affiant)

(Phone No.)

WARRANT CONTROL N.

J 15059

DATE OF APPLICATION

1/24/96

INVENTORING

G 24714

Being duly sworn (or affirmed) before me according to law, deposes and says that there is probable cause to believe that certain property is evidence of or the fruit of a crime or is contraband or is unlawfully possessed or is otherwise subject to seizure, and is located at particular premises or in the possession of particular person as described below.

IDENTIFY ITEMS TO BE SEARCHED FOR AND SEIZED (be as specific as possible):

Two vials of blood; Saliva sample; samples of plucked pubic hair and samples of plucked head hair.

SPECIFIC DESCRIPTION OF PREMISES AND/OR PERSONS TO BE SEARCHED (Street and No., Apt. No., Vehicle, Safe Deposit Box, etc.):

Warren Durham Jr. black male reported date of birth 2/1/45; 6'1"; long black and gray hair

NAME OF OWNER, OCCUPANT OR POSSESSOR OF SAID PREMISES TO BE SEARCHED (If proper name is unknown, give alias and/or description):

Warren Durham Jr.

VIOLATION OF (Describe conduct or specify statute):

Rape 3121 2; Simple Assault 2701 a3; Reckless Endangerment 2705;  
Unlawful Restraint 2902 2; Involuntary Deviate Sexual Intercourse 3123 2;  
Indecent Assault 3126 a1; Aggravated Assault 3125 a

DATE OF VIOLATION

1/23/96

PROBABLE CAUSE BELIEF IS BASED ON THE FOLLOWING FACTS AND CIRCUMSTANCES:

The rape of Jeanette Battley on 1/23/96 was reported to the police shortly after the assault. Patrol units responding and assisting located the suspects vehicle after the victim gave out the plate number and description of the suspect. Ms Battley also advised the police of two possible locations of where the vehicle might be found. The area of 23rd to 24th on French yielded the vehicle bearing OHIO reg. WOT-579 which was the plate number given to police by the victim. Ms Battley further described a green house that was previously occupied by the Husband Family. A check of computer records showed the address to be 2304 French. As the officers knocked on the door Warren Durham Jr. came to the door. He acknowledged that the car with OHIO reg. WOT-579 was his. After being identified by the victim he was mirandized and placed in custody and transported to the police station. The above listed items are necessary for comparison testing by the PSP Crime Lab. I believe that the above listed information is true and correct and this search warrant is necessary to complete this investigation.

ATTACH ADDITIONAL PAPER (5) COPIES IF NECESSARY ☐ CHECK HERE IF ADDITIONAL PAPER IS USED.RESULT  
OF  
SEARCH

DATE AND TIME OF SEARCH

1-24-96 13:45

☐ A.M.☒ P.M.

ARREST

☐ YES ☐ NO

JUDGE'S DISPOSITION

☐ DISC. ☐ HELD FOR COURT☐ FURTHER HEARING☐ FINED OR COMMITTEDGIVE BRIEF  
NARRATIVE  
OF WHAT  
HAPPENED

PROPERTY SEIZED

☒ YES ☐ NO

(If "yes" list inventory on separate form, R2008 and enter control number(s) here

G 24714

*Det. James D. Washburn*  
SIGNATURE OF PERSON SEIZING PROPERTY

BADGE NO. 176

OTHER OFFICERS PARTICIPATING IN SEARCH:

*Robert J. Guckey RN*

*Det. James D. Washburn*  
Signature of Affiant

626 State St. W Erie, PA  
Address of Private Affiant

176 Detective  
Badge No. District/Unit

Sworn to and subscribed before me this January 24 day of January 1996. Office

460 East 24th  
Erie, PA 16504

*Joseph V. Vekovar*  
Signature of Issuing Authority

(SEAL) Mag. Dist. No.

Address

EXHIBIT

tabbles

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<b>TO LAW ENFORCEMENT OFFICER:</b> WHEREAS, facts have been sworn to or affirmed before me by written affidavit(s) attached hereto from which I have found probable cause, I do authorize you to search the premises or person (described on the reverse side), and to seize, secure, inventory, and make return according to the Pennsylvania Rules of Criminal Procedure, the items described on the reverse side.	
<input checked="" type="checkbox"/> This Warrant should be served as soon as practicable but in no event later than <u>10:20</u> <input checked="" type="checkbox"/> A.M. <input type="checkbox"/> P.M. <u>1/24</u> , 19 <u>96</u> and shall be served only during daytime hours of 6 A.M. to 10 P.M.	<input type="checkbox"/> This Warrant should be served as soon as practicable but in no event later than <u>      </u> <input type="checkbox"/> A.M. <input type="checkbox"/> P.M. <u>      </u> , 19 <u>      </u> and may be served anytime during day or night.
Issued under my hand this <u>24th</u> day of <u>January</u> , 19 <u>96</u> , at <u>10:20</u> A.M. o'clock. (Issue time must be stated)	Issued under my hand this <u>      </u> day of <u>      </u> , 19 <u>      </u> , at <u>      </u> M. o'clock. (Issue time must be stated)
(SEAL) <u>Joseph P. [Signature]</u> (Signature of Issuing Authority)	(SEAL) <u>      </u> (Signature of Issuing Authority)
Mag. Dist. No. <u>10-1-04</u> Office Address <u>400 East 24th Erie, PA</u> Phone No. <u>951-1623</u>	
Date Commission Expires <u>1-3-2000</u>	Title of Issuing Authority <u>District Justice</u>
<small>The issuing authority should specify a date not later than two (2) days after issuance, P.A. R. Crim. P. 2005(d). If issuing authority finds reasonable cause for issuing a nighttime warrant on the basis of additional reasonable cause set forth in the accompanying affidavits and wishes to issue a nighttime search warrant, only this section shall be completed, P.A. R. Crim. 2006(b).</small>	





Commonwealth of Pennsylvania

COUNTY OF ERIE
 9C 02732-0  
 ss: **SEARCH WARRANT**  
 AND AFFIDAVIT

WARRANT CONTROL NO.

J 15085

DATE OF APPLICATION

1/23/96

INVENTORY NO.

G24711

 Det. James D. Washburn 626 State St. Erie, PA 814-870-1150  
 (Name of Affiant) (Police Department or address of private Affiant) (Phone No.)

being duly sworn (or affirmed) before me according to law, deposes and says that there is probable cause to believe that certain property is evidence of or the fruit of a crime or is contraband or is unlawfully possessed or is otherwise subject to seizure, and is located at particular premises or in the possession of particular person as described below.

IDENTIFY ITEMS TO BE SEARCHED FOR AND SEIZED (be as specific as possible):

any hairs, blood, semen, handgun, fibers, or personal belongings of Jeanette Rattley

SPECIFIC DESCRIPTION OF PREMISES AND/OR PERSONS TO BE SEARCHED (Street and No., Apt. No., Vehicle, Safe Deposit Box, etc.):

 VIN 1G3AN69Y4CM295148  
 1982 Oldsmobile Royale two tone blue four door bearing Ohio Reg. WOT-579

NAME OF OWNER, OCCUPANT OR POSSESSOR OF SAID PREMISES TO BE SEARCHED (If proper name is unknown, give alias and/or description):

Registered to Warren Durham Jr. 12119 Matherson Ave. Cleveland Ohio 420196

VIOLATION OF (Describe conduct or specify statute):

DATE OF VIOLATION

 Rape 3121 2; Simple Assault 2701 a3; Reckless Endangerment 2705;  
 Unlawful Restraint 2902 2; Involuntary Deviate Sexual Intercourse 3123 2; Indecent Assault 3126 a1; Aggravated Indecent Assault 3125 1

1/23/96

PROBABLE CAUSE BELIEF IS BASED ON THE FOLLOWING FACTS AND CIRCUMSTANCES:

A police report was filed of a rape which occurred in the morning hours of 1/23/96. The victim reported that she was picked up by a black male that she had seen in the area before but did not know by name. After offering the victim a ride, as it was raining, he then requested sexual favors from the woman who refused. A handgun was then produced by the male and the victim taken behind a building on East 18th St. where she was forced to perform sexual acts on this man. After being released from this man she obtained the plate number of the vehicle and summoned the police. After giving the police a possible location for the vehicle it was spotted by Patrol Units. The car was subsequently towed and a search warrant is requested so that the car may be processed and any evidence collected.

The affiant believes that this search warrant is necessary in order to search and seize any evidence so that it can be processed and the necessary testing done.

I believe these facts to be true and correct.

ATTACH ADDITIONAL PAPER (5) COPIES IF NECESSARY ☐ CHECK HERE IF ADDITIONAL PAPER IS USED.

RESULT OF SEARCH

DATE AND TIME OF SEARCH

01/24/96 1320

☐ A.M.  
☒ P.M.

ARREST

☐ YES ☐ NO

JUDGE'S DISPOSITION

☐ DISC. ☐ HELD FOR COURT ☐ FURTHER HEARING ☐ FINED OR COMMITTED

PROPERTY SEIZED

(If "yes" list inventory on separate form, R2008 and enter control number(s) here)

☒ YES ☐ NO

G24711

GIVE BRIEF NARRATIVE OF WHAT HAPPENED

SIGNATURE OF PERSON SEIZING PROPERTY

BADGE NO.

OTHER OFFICERS PARTICIPATING IN SEARCH:

Ben L. Brantley DET. 46

Signature of Affiant

626 State St. Erie, PA

Address of Private Affiant

176

CID

Badge No.

District/Unit

Sworn to and subscribed before me this

23

day of

January 1996

Office

Address

(SEAL) Mag. Dist. No. 00-1-04

Signature of Issuing Authority

 400 East 20th St  
 Erie, PA 16504